

regulations in §§ 113.209(b)(4) and 113.312(b)(4) need to be amended.

Sections 113.209(b)(4) and 113.312(b)(4) also need to be amended because serologic titer is not sufficiently correlated with efficacy to ensure that all of the unchallenged vaccinates in a reduced immunogenicity test would be protected after a real challenge.

The amendment would clarify which of the vaccinates should be challenged under §§ 113.209(b)(4) and 113.312(b)(4), and would require that all challenged vaccinates remain well for 90 days in order for the test to be satisfactory. The amendment would specify that the reduced immunogenicity test described in §§ 113.209(b)(4) and 113.312(b)(4) may not be used for carnivores (e.g., dogs, cats, and ferrets). The amendment would therefore exclude from a reduced challenge test species of animals that have a high potential for transmitting rabies.

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule amending §§ 113.209 and 113.312 is necessary to clarify the regulations regarding the rabies immunogenicity test. The amendment would clarify which animals are to be challenged in a reduced immunogenicity study and the procedures to follow when one or more of the vaccinates die of rabies. The proposed amendment would require that additional vaccinates be challenged if one of the low titer vaccinates succumbs to rabies. In 7 of the last 10 rabies challenge tests of non-carnivores, firms elected to challenge 25 or more animals. In the remaining three cases in which a reduced number of animals were challenged in accordance with current § 113.209 or § 113.312, paragraph (b)(4), no additional animals were challenged and no additional animals would have been challenged under the proposed rule. The proposed amendment, therefore, would have minimal economic effect.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This proposed rule contains no new information collection or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 would be amended as follows:

### PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 113.209 would be amended by revising paragraph (b)(4) to read as follows:

#### § 113.209 Rabies Vaccine, Killed Virus.

\* \* \* \* \*

(b) \* \* \*

(4) An alternative to challenging all surviving test animals in accordance with paragraph (b)(3)(iv) of this section may be used when the test animals are of species other than carnivores. Vaccinates shall be challenged at 1 year postvaccination. These shall include five vaccinates with the lowest SN titers at the 270th-day bleeding, five vaccinates with the lowest SN titers at the 365th-day bleeding, and all vaccinates with SN titers below 1:10 by the mouse SN test or below 1:16 by the rapid-fluorescent-focus-inhibition test at any bleeding. At least five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be titrated to an endpoint. All of the challenged vaccinates must remain well for a

period of 90 days, and at least 80 percent of the controls must die of rabies for a satisfactory test without further challenge. If one or more of the vaccinates die from rabies, all the remaining vaccinates, regardless of titer, along with the five controls shall be challenged. The cumulative results from the two challenges shall be evaluated for acceptance as specified in paragraph (b)(3)(v) of this section.

3. Section 113.312 would be amended by revising the section heading and paragraph (b)(4) to read as follows:

#### § 113.312 Rabies Vaccine, Live Virus.

\* \* \* \* \*

(b) \* \* \*

(4) An alternative to challenging all surviving test animals in accordance with paragraph (b)(3)(iv) of this section may be used when the test animals are of species other than carnivores. Vaccinates shall be challenged at 1 year postvaccination. These shall include five vaccinates with the lowest SN titers at the 270th-day bleeding, five vaccinates with the lowest SN titers at the 365th-day bleeding, and all vaccinates with SN titers below 1:10 by the mouse SN test or below 1:16 by the rapid-fluorescent-focus-inhibition test at any bleeding. At least five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be titrated to an endpoint. All of the challenged vaccinates must remain well for a period of 90 days, and at least 80 percent of the controls must die of rabies for a satisfactory test without further challenge. If one or more of the vaccinates die from rabies, all the remaining vaccinates, regardless of titer, along with the five controls shall be challenged. The cumulative results from the two challenges shall be evaluated for acceptance as specified in paragraph (b)(3)(v) of this section.

\* \* \* \* \*

Done in Washington, DC, this 8th day of November 1995.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–28325 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–34–P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71****[Airspace Docket No. 95-AGL-17]****Proposed Establishment of Class E Airspace; Hettinger, ND, Hettinger Municipal Airport****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to establish Class E airspace at Hettinger, ND. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 30 has been developed for the Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) and from 1200 feet AGL is needed for aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

**DATES:** Comments must be received on or before December 29, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 95-AGL-17, 2300 East Devon Avenue, Des Plaines, Illinois 60018

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Eleanor J. Williams, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-AGL-17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Hettinger, ND. This proposal would provide adequate Class E airspace for operators executing the GPS Runway 30 SIAP at Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet AGL and 1200 feet AGL is needed for aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather

conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

**PART 71—[AMENDED]**

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E Airspace Areas  
Extending Upward From 700 Feet or More  
Above the Surface of the Earth*

\* \* \* \* \*

AGL ND E5 Hettinger, ND [New]

Hettinger Municipal Airport, ND

(Lat. 46°00'56"N, long. 102°39'20"W).

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Hettinger Municipal Airport and within 1.9 miles each side of the 136 bearing from the Hettinger Municipal Airport from the 6.4-mile radius to 8.9 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 462000N/Long. 1025800W, to Lat. 462000N/Long. 1024400W, to Lat. 454500N/Long. 1020900W, to Lat. 454500N/Long. 1025800W to point of beginning excluding that airspace previously described as Victor 491.

\* \* \* \* \*

Issued in Des Plaines, Illinois on October 31, 1995.

Maureen Woods,

*Acting Manager, Air Traffic Division.*

[FR Doc. 95-28344 Filed 11-15-95; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 95-AGL-8]

#### Proposed Revision of Class E Airspace; Rice Lake, WI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws the Notice of Proposed Rulemaking (NPRM) which proposed to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI. The NPRM is being withdrawn as a result of wrong geographical coordinates and airport name change.

**DATES:** This withdrawal is effective November 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Eleanor J. Williams, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

#### SUPPLEMENTARY INFORMATION:

##### The Proposed Rule

On August 4, 1995, a Notice of Proposed Rulemaking was published in the Federal Register to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI (60 FR 39893).

Subsequent to publication in the Federal Register it was discovered that the geographical coordinates and airport name were in error.

#### Conclusion

In consideration of the erroneous information, action to revise the Class E airspace serving Rice Lake Municipal Airport, Rice Lake, WI, has been withdrawn.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 95-AGL-8, as published in the Federal Register on August 4, 1995, (60 FR 39893), is hereby withdrawn.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

\* \* \* \* \*

Issued in Des Plaines, IL, on November 2, 1995.

Maureen Woods,

*Acting Manager, Air Traffic Division.*

[FR Doc. 95-28343 Filed 11-15-95; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 423

#### Request for Comments Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

**AGENCY:** Federal Trade Commission.

**ACTION:** Request for public comments.

**SUMMARY:** The Federal Trade Commission (the "Commission") is requesting public comments on a proposed conditional exemption to its Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods ("the Care Labeling Rule" or "the Rule"). The proposed conditional exemption would permit the use of certain care symbols in lieu of words on the permanently attached care label, as long as hangtags with explanatory language are used for the first 12 month period of symbol use. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal.

**DATES:** Written comments will be accepted until January 31, 1996.

**ADDRESSES:** Comments should be directed to: Secretary, Federal Trade

Commission, Room H-159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about this conditional exemption to the Care Labeling Rule should be identified as "Conditional exemption for symbols, 16 CFR Part 423—Comment."

#### FOR FURTHER INFORMATION CONTACT:

Constance M. Vecellio, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326-2966.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

On June 15, 1994, the Commission published a Federal Register notice ("FRN") requesting comment on various aspects of the Care Labeling Rule, including whether the Rule should be modified to permit the use of symbols in lieu of words. The Commission has now tentatively determined to permit the use of certain symbols, under certain conditions, and now seeks additional comment on the specifics of the proposal. The Commission will summarize other results of the regulatory review it conducted in a separate notice.

##### II. Background

The Rule was promulgated by the Commission on December 16, 1971, 36 FR 23883 (1971), and amended on May 20, 1983, 48 FR 22733 (1983). The Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating "what regular care is needed for the ordinary use of the product." (16 CFR 423.6(a) and (b)) The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions. (16 CFR 423.6(c))

The "Terminology" section of the Rule, 16 CFR 423.2(b), currently requires that care instructions be stated in "appropriate terms," although it also states that "any appropriate symbols may be used on care labels or care instructions, *in addition to the required appropriate terms* so long as the terms fulfill the requirements of this regulation." (Emphasis added). Although the Rule does not specifically state that the instructions must be in English, they usually are in English. The FRN stated that the North American Free Trade Agreement ("NAFTA") "has created industry interest in being permitted to use symbols in lieu of words to provide care instructions, and the Commission seeks comment on the costs and benefits of such a change."